

Virginia
Department of Labor and Industry

Occupational Safety and Health
Annual Performance Plan FY 2005

August 10, 2004



INTRODUCTION

The Virginia Occupational Safety and Health (VOSH) Program's FY 2005 Performance Plan supports the recently rewritten Mission Statement of the Virginia Department of Labor and Industry:

"..improve and protect Virginia's workplaces through education and enforcement, reducing fatalities and injuries at work, ensuring boiler safety, protecting children from hazardous employment, resolving payment of wage disputes, and producing highly skilled workers through Registered Apprenticeship.."

This Annual Performance Plan derives from the Department's 1999-2006 Strategic Plan, which is designed to guide the VOSH Program over the stated seven year period. The VOSH FY 2004 Annual Performance Plan will be used to manage the VOSH Program, to allocate program resources and to measure the effectiveness of strategies used to accomplish program goals and objectives. It is expected that over the term of DOLI's Strategic Plan, achievement of the performance goals in the annual performance plans will have the cumulative impact of accomplishing VOSH's strategic goals which contribute to the accomplishment of DOLI's mission.

MISSION

The mission of the VOSH Program is to "Protect and promote the safety and health of Virginia's workers in their workplaces." This mission is embodied in the statutory mandate for the Virginia Safety and Health Codes Board, Va. Code §40.1-22(5), which states in part:

"The [Virginia Safety and Health Codes] Board, with the advice of the Commissioner, is hereby authorized to adopt . . . regulations to further, protect, and promote the safety and health of employees in places of employment over which it has jurisdiction and to effect compliance with [the OSH Act. . .] The Commissioner shall enforce such rules and regulations. All such rules and regulations shall be designed to protect and promote the safety and health of such employees . . . The Board shall adopt the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity"

To carry out the above mandate, the VOSH program has adopted three interdependent strategic goals in this Annual Performance Plan supportive of those adopted by the federal Occupational Safety and Health Administration (OSHA).

VOSH STRATEGIC GOALS FOR FY 2005:

- 1. Improve workplace safety and health in Virginia's workplaces, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.**
 - VOSH will focus on increasing public awareness of occupational safety and health and concentrating program resources on the most significant types of workplace injuries and illnesses, and the most hazardous workplaces in high hazard industries.
- 2. Change workplace culture to increase employer and worker awareness of, commitment to, and involvement in safety and health.**
 - Promote a systems approach to workplace safety and health.
 - Establish voluntary, cooperative relationships to achieve measurable reductions in workplace injuries, illnesses, and fatalities.
 - Enhance awareness of safety and health in Virginia's workplaces by providing consultation, training, and outreach services to employers and workers.
 - Enhance worker involvement in all aspects of safety and health in the workplace.
- 3. Secure public confidence through excellence in the development and delivery of VOSH programs and services.**
 - Respond effectively to legal mandates, so that workers are provided full protection under Title 40.1 of the Code of Virginia and the federal OSH Act.
 - Design and implement management systems and processes supportive of VOSH program goals, objectives and strategies.

It should be noted that like OSHA, VOSH's success in meeting its strategic and annual performance goals will be measured by aggregating results from multiple program areas to ensure that different elements within the program work together to achieve the strategic goals, help overcome organizational barriers and involve the whole Department in goal accomplishment.

OVERVIEW OF THE VIRGINIA STATE PLAN

Profile of the Regulatory and Policy Boards

VOSH standards and regulations are established by the Virginia Safety and Health Codes Board, a regulatory Board whose members are appointed by the Governor. Staff support for the Board is provided by the Virginia Department of Labor and Industry. The Commissioner of the Department of Labor and Industry is charged by statute with enforcing the regulations and standards of the Board.

Virginia policy on migrant and seasonal farmworkers is set by the Virginia Migrant and Seasonal Farmworkers Board, whose members are appointed by the Governor. Staff support for the Board has been required by law to be provided by the Virginia Department of Labor and Industry. However, legislation during the 2004 General Assembly session changed the administration of the Board to the Virginia Employment Commission as of July 1, 2004.

Profile of the Department

The VOSH Program operates within the Virginia Department of Labor and Industry, and is under the direction of the VOSH Director and ultimately the Commissioner. The VOSH program includes 112 positions fully or partially included within 21(d)/23(g) grants, comprising 102.92 FTEs. The complete breakout of FTE's is found in Appendix H.

VOSH "program staff" includes supervisory and administrative staff in the areas of field enforcement and consultation, and field administrative staff, as well as the Director of VOSH Programs/Occupational Safety, the Directors of Occupational Health, Cooperative Programs, Legal Support, VOSH Planning and Evaluation, and their headquarters staff.

The Research and Analysis Program includes 4.0 FTEs which are involved in collection of the Occupational Safety and Health Survey and Census of Fatal Occupational Injuries under grants from the Bureau of Labor Statistics. They also conduct the OSHA Data Initiative survey and provide assistance with data analysis for VOSH initiatives.

Demographic Profile

Under Virginia's State Plan, VOSH has jurisdiction over approximately 3.3 million workers in approximately 193,000 establishments in covered industries:

Virginia Employment by Major NAICS Division, 4th Quarter 2003

NAICS Industry Sector	NAICS Codes	Number Employers	Number Covered Employees
Agriculture (11)	111-115	293	8,304
Mining	211-213	0	0
Utilities	221	275	11,904
Construction	236-238	23,618	224,298
Manufacturing	311-339	6,086	300,614
Trade-Wholesale	423-425	12,206	114,171
Trade-Retail	441-454	26,371	424,280
Transportation/Warehousing	481-493	5,288	103,174
Information	511-519	3,872	100,552
Finance/Insurance	521-525	10,374	130,799
Real Estate/Rental/Leasing	531-533	8,029	55,374
Prof/Tech Services	541	26,724	294,981
Management of Companies	551	1,302	68,243
Admin/Waste Services	561-562	10,476	197,433
Educational Services	611	1,963	46,647
Health Care	621-624	13,980	299,902
Arts/Entertainment/Recreation	711-713	2,315	37,114
Accommodation/Food Services	721-722	12,984	268,804
Other Services	811-813	22,594	121,029
Government	Own 20+30	4,625	486,102
Total:		193,375	3,293,725

Covered Issues

By agreement under section 18(e) of the OSH Act of 1970, VOSH excludes from its coverage private sector maritime and longshoring establishments, the mining industry, federal government workers in Virginia, federal government enclaves in Virginia and industries regulated by other federal agencies.

Appropriations Riders

VOSH complies with all restrictions on the use of federal funds.

Mandated Activities

Activities mandated under the federal OSH Act (inspections, citations, worker rights, etc. - see list below) are considered core elements of the VOSH program. Their accomplishment is tied to achievement of the State's strategic goals. Mandated activities manifest themselves in the Annual Performance Plan as strategic tools used to achieve performance goals.

The core elements listed in the federal OSH Act and defined at 29 CFR 1902 are as follows:

- Unannounced inspections, including prohibition against advance notice thereof
- First instance sanctions against employers who violate the OSH Act, including citations
- Ensuring abatement of potentially harmful or fatal conditions
- Prompt and effective standard-setting and allocation of sufficient resources
- Counteraction of imminent dangers
- Responses to complaints
- Fatality/catastrophe investigations
- VOSH coverage of public workers
- Recordkeeping and reporting
- Voluntary compliance activities
- Ensuring workers:
 - S Protection against, and investigation of, occupational discrimination
 - S Access to health and safety information
 - S Information on their rights and obligations under the OSH Act
 - S Access to information on their exposure to toxic or harmful agents

OVERVIEW OF VOSH STRATEGIC PLAN 1999-2006

The VOSH Strategic Plan was prepared using a planning horizon of 2006. The plan was submitted in January 1999 and approved by OSHA on July 12, 1999. The goals of the VOSH Strategic Plan are supportive of the goals in the OSHA Strategic Plan and focus on the core mission of the program, to protect and promote the safety and health of Virginia's workers and their workplaces.

VOSH intends to review its Strategic Plan in the upcoming year to take advantage of the federal OSHA revision to its Strategic Plan.

Performance Measures and General Information

Under its Strategic Plan, VOSH is employing a range of strategic tools (enforcement, consultation, standard setting, etc.), to make a broad impact. However, VOSH may often use a more limited approach in measuring the outcome or result. For example, for some strategic measures the outcome measure may be determined from data collection from where the Department conducts an intervention, while in other cases surveys may be used.

A related issue concerns the lack of some baseline data for some of the measures included in the Strategic Plan. VOSH recognizes this deficiency and will continue to devote resources to identifying appropriate measures and collecting the baseline data against which future performance can be evaluated. An outcome of our Strategic Plan will be the implementation of the information systems required to collect data. VOSH will work with its applicable OSHA counterparts to establish data collection tools and evaluate the validity of its performance measures.

The Richmond regional office changed location this year from Main Street Station in downtown Richmond to the North Run Office Complex on Parham Road in the West End. This move was necessitated by the conversion of Main Street Station back into a full-fledged train depot.

In addition, 14 new positions were filled in the last year. Seven of these positions were filled in Northern Virginia alone. This can be disruptive, but our regions have handled this upheaval admirably. This is certainly a greater number of new hires than normal, but the transition is going extremely well.

The Proposed General Requirements for Clearances, Construction of Electric Transmission and Distribution Lines and Equipment in the Construction Industry were presented to the Safety and Health Codes Board. This would match Construction standards to existing General Industry standards. This basically requires the prevention of exposure to other body parts, other than hands and arms, during construction.

The Steel Erection rulemaking was finalized in November 2003, allowing Virginia to continue requiring fall protection in steel erection at heights of 10 feet or higher, and not to recognize controlled decking zones in steel erection.

Our Northern Virginia region continues to have the most fatalities in the State. This is largely due to the great amount of construction in that area. Falls from heights remained the number one cause of death in Virginia's workplace for the third year in a row, followed closely by being "crushed by" an object or equipment. Being "struck by" an object, electrocution and explosions were the next most frequent causes of fatalities in the

Commonwealth. Greater focus through consultation and education and training is being implemented throughout the State that hopefully will have a positive effect the overall fatality rate. Specifically, a new training position was filled in this past fiscal year to conduct training classes for employers throughout the Commonwealth. We have already successfully trained hundreds of employees and employers. In addition, both the Commissioner and the VOSH Director gave numerous talks throughout the State, to various groups and organizations encouraging safety and health in the workplace.

Unfortunately, we have experienced a high turnover rate in the Northern region which does not help our coverage, but as mentioned previously, we are aggressively hiring to file all benchmarks in this region and the other regions in the State as they come open.

We have also had a total of 10 people in consultation and compliance, be on either long or short term disability and we've also had one person on military leave the entire year.

On July 1, 2004 the Commonwealth's new Agency, the Virginia Information Technologies Agency (VITA), went into effect. We have successfully negotiated with VITA in that none of our personnel will transfer to VITA, but will remain with this Agency. Our sole expert on IMIS plans to retire in the Spring of 2005 and his departure will be irreplaceable. Virginia is in hopes that this antiquated system will eventually be replaced.

The Department of Labor and Industry is requesting a match from the Commonwealth for seven (7) full-time equivalent (FTE) positions and adequate state matching funds for seven (7) occupational safety and health Public Sector Consultation positions to staff and adequately fund the Emergency Preparedness/Homeland Security efforts of the Virginia Occupational Safety and Health (VOSH) Program. We are planning for this match to adequately enable us to meet the funds already allocated to us by Federal OSHA. We are asking for more time to work this through the budget process before funds are subtracted from our Grant.

VOSH will continue participating in the OPTMS performance tracking system in FY 2005.

No changes have been made to the VOSH Program's Internal Quality Assurance Program 21(d)

FY 2005 PERFORMANCE GOALS

VOSH has adopted 11 performance goals for FY 2005, to address our seven outcome goals and the issues raised in our strategic plan.

STRATEGIC GOAL 1. Improve workplace safety and health in Virginia workplaces as demonstrated by fewer hazards, reduced exposures, and fewer injuries illnesses, and fatalities.

- Outcome Goal 1.1** Reduce the number of worker injuries, illnesses, and fatalities.
- Performance Goal 1.1.A** Reduce three of the most significant types of workplace injuries and causes of illnesses by 15%.
- Performance Goal 1.1.B** Reduce injuries and illnesses by 15% in five industries characterized by high hazard workplaces: construction, lumber and wood products, food processing, overhead high voltage lines, and metal fabrication.
- Performance Goal 1.1.C** Decrease fatalities in the construction industry by 15%, by focusing on the four leading causes of fatalities: falls, struck-by, crushed-by, and overhead high voltage lines.
- Performance Goal 1.1.D** Reduce injuries and illnesses (LWDII) by 20% in at least 200 workplaces where VOSH initiates an intervention.

STRATEGIC GOAL 2. Change workplace culture to increase employer and worker awareness of, commitment to, and involvement in safety and health.

- Outcome Goal 2.1** Promote a systems approach to workplace safety and health.
- Performance Goal 2.1.A** Fifteen percent (15%) of employers who are targeted for or request a VOSH intervention will implement an effective safety and health program.
- Outcome Goal 2.2** Enhance worker involvement in all aspects of safety and health.
- Performance Goal 2.2.A** One-hundred percent (100%) of VOSH on site activities (e.g., inspections, consultation visits) will include a worker involvement component.

STRATEGIC GOAL 3. Secure public confidence through excellence in the development and delivery of VOSH's programs and services.

- Outcome Goal 3.1** Respond effectively to legal mandates.

- Performance Goal 3.1.A** Initiate inspections of 95% of fatalities and catastrophes within one working day of notification.
- Performance Goal 3.1.B** Initiate investigations of 95% of worker complaints within one working day or conduct an on-site inspection within five working days.
- Performance Goal 3.1.C** Complete investigation of 80% of "discrimination" cases within 90 days.
- Outcome Goal 3.2** Design and implement management systems and processes.
- Performance Goal 3.2.A** Maintain, evaluate, and improve the information systems necessary to collect performance data and analyze VOSH's performance.
- Performance Goal 3.2.B** Settle or initiate litigation of 95% of contested cases sent to the Central Office within one year of citation issuance date.

STRATEGIC TOOLS:

VOSH will continue to use a broad range of strategic tools to achieve our mission of protecting and promoting the safety and health of Virginia workers. Strategic problem solving, however, continues to require extensive analysis of data, for which VOSH is not adequately staffed. Analysis is needed to identify the industries, agencies, and hazards most in need of intervention, to target our resources toward action in appropriate worksites, and to measure the effectiveness of each type of intervention. VOSH planning and budgeting activity will focus on improving our data collection and analysis capability, acquiring resources to improve supervision and staff development, and improving our partnership and training resources.

In addition to our traditional tools of standard setting, compliance inspections, complaint investigations, and voluntary consultation, VOSH has established Voluntary Protection Programs, and safety and health partnership programs which share safety and health training and information among groups of large and small employers, provide training, and work to establish mentoring relationships. Our new training position will continue to escalate and bring much needed instruction to both employers and employees.

A local emphasis program on Worker's Compensation First Reports of Accidents continues to provide investigation of reports of amputations and other serious accidents, although attempts to automate screening of the reports has been unsuccessful to date. Emphasis programs on scaffolding, heavy equipment, overhead high voltage line safety, fall protection and trenching have helped to provide increased awareness of safety in the construction industry.

Finally, VOSH recently hosted its Ninth Annual Virginia Safety and Health Conference in Roanoke, Va. where nearly 350 attendees, including employers, workers, and safety and health professionals, received affordable safety and health training opportunities. VOSH intends to continually pursue both traditional and new and innovative methods to reach out to employers and workers so that serious hazards can be eliminated from Virginia's workplaces and the safety and health of all materially improved.